

# INSDIP

## Protocol Amending the Treaty Establishing the Caribbean Community

### (Protocol VI: Transport Policy)

**The States Parties** to the Treaty Establishing the Caribbean Community (hereinafter referred to as "the Member States"):

**Recognising** the vital importance of land, air and maritime transportation for maintaining economic, social and cultural linkages as well as facilitating emergency assistance among the Member States of the Caribbean Community (hereinafter called "the Community");

**Recognising further** the importance of the establishment and structured development of transport links with third States for the accelerated and sustained development of the CARICOM Single Market and Economy;

**Aware** of the importance of promoting adequate air and maritime transport services for the continued viability of the tourism industry and of reducing the vulnerability of the CARICOM Region resulting from its reliance on extra-regional carriers;

**Convinced** that a viable transport policy for the Community will make a significant contribution in satisfying the demands for the intra-regional movement of people and products in the CARICOM Single Market and Economy;

**Conscious** that the efficient regulation of air and maritime transport is essential for the promotion of safety and the protection of the environment, particularly the Caribbean Sea;

**Conscious further** of the strategic importance of air and maritime capabilities in promoting and safeguarding the essential security interests of Member States of the Community,

**Have Agreed** as follows:

#### Article 1: Use of Terms

In this Protocol, unless the context otherwise requires:

"**Community**" includes the CARICOM Single Market and Economy to be established by the Protocols amending or replacing the provisions of the Caribbean Common Market Annex to the Treaty;

"**Conference**" means the Conference of Heads of Government of the Community;

"**the Council for Trade and Economic Development (COTED)**" means the organ of the Community so named in Article 6(2)(a) of the Treaty;

**"Member State"** means a Member State of the Community;

**"recommended practice"** means any specification for physical characteristics, configuration, material, performance, personnel or procedure, the uniform application of which is regionally or generally recognised in the international community as desirable for the efficient delivery of transport services;

**"standard"** means any specification for physical characteristics, configuration, material, performance, personnel or procedure, the uniform application of which is regionally or generally recognised in the international community as necessary for the efficient delivery of transport services;

**"Treaty"** means the Treaty establishing the Caribbean Community signed at Chaguaramas on the 4th day of July 1973 and includes any amendments thereto which take effect either provisionally or definitively (hereinafter referred to as "the Treaty").

## **Article 2: Objectives of the Community Transport Policy**

1. The goal of the Community Transport Policy shall be the provision of adequate, safe and internationally competitive transport services for the development and consolidation of the CARICOM Single Market and Economy.

2. In fulfilment of the goal set out in paragraph 1 of this Article, the Community shall pursue the following objectives:

a. the organisation of efficient, reliable, affordable transport services throughout the Community;

b. the development and expansion of air and maritime transport capabilities in the Community;

c. the promotion of co-operative arrangements for the provision of transport services;

d. the development of efficient internationally competitive ancillary transport services;

e. the development of human resources for employment in all areas and at all levels of the transport sector;

f. the implementation of standards for the development of safe road, riverine, sea and air transport services.

## **Article 3: Implementation of Community Transport Policy**

1. In order to achieve the objectives of the Community Transport Policy, the Council for Trade and Economic Development (COTED) shall, in collaboration with other Organs of the Community as appropriate, promote, inter alia:

a. co-ordination of the national transport policies of Member States;

b. the implementation of uniform regulations and procedures, consistent with standards and recommended practices, for the development of an efficient multi-modal transport system, particularly in respect of operations, safety, licensing and certification

c. the development of required institutional, legal, technical, financial and administrative support for the balanced, sustainable development of the transport sector;

d. the establishment of measures:

i. to ensure that the development of the transport sector does not impact adversely on the environment of Member States and, in particular, the Caribbean Sea;

ii. for the acquisition and transfer of technology in the transport sector; and

iii. for the establishment of joint ventures and programmes for human resources development; and

e. investment in the transport sector, including ancillary services supportive of the sector;

f. the removal of obstacles to the provision of transport services by nationals of Member States in accordance with the relevant provisions of Protocol II.

2. The COTED shall develop programmes to facilitate the achievement of the objectives set out in Article 2.

3. Member States shall co-ordinate their actions in order to secure the best terms and conditions for the provision of transport services by service providers.

#### **Article 4: Search and Rescue**

1. The COTED shall promote co-operation in air and maritime search and rescue operations in the Community, bearing in mind such machinery as may exist for the overall co-ordination of search and rescue services.

2. Member States shall notify the COTED of air and maritime equipment and facilities available for use in search and rescue operations.

3. Member States shall collaborate with third States and competent international organisations in search and rescue operations.

#### **Article 5: Intra-Community Transport Services**

1. Member States shall adopt uniform standards and recommended practices for the provision of transport services.

2. Member States shall notify the COTED of legislative, regulatory or administrative measures affecting the provision of transport services within their domestic jurisdictions where such measures deviate from uniform standards and recommended practices.

3. Member States adversely affected by such regulatory or administrative measures may notify the COTED of such adverse effects, and shall have recourse to the disputes settlement procedures under the Treaty.

#### **Article 6: Development of Air Transport Services**

1. Member States shall co-operate in:

a. the development of air transport services in the Community and towards this end may conclude among themselves air transport agreements designed to facilitate the provision of such services;

b. establishing measures to ensure that the provision of international air transport services in the Community is undertaken by financially viable and technical qualified carriers and operators, and that the Community interest in safety, security and economy of air travel is not prejudiced.

2. The COTED shall promote co-operation among Member States in the registration of aircraft and the enforcement of applicable standards in the air transport industry.

3. Member States shall co-operate in ensuring uniformity in licensing and certification procedures and equivalencies within the Community for aviation personnel in conformity with international standards.

4. The COTED shall promote co-operation among operators of transport services of Member States particularly in purchasing of equipment and supplies, the management of inventories, interline and inter-modal operations, code sharing, reservations, insurance, leasing and similar operations.

#### **Article 7: Aircraft Accident and Incident Investigation**

1. Member States undertake to conduct effective and comprehensive investigations into aircraft accidents and incidents with a view to enhancing the technical conditions for the safe delivery of air transport services.

2. Member States shall, to the extent possible, make available appropriate equipment, facilities and personnel to assist in the investigation of aircraft accidents or incidents which occur within the Community and take effective measures to protect the property of victims, relevant evidence and the crash site from interference and unauthorised entry.

3. Member States shall collaborate with third States and competent international organisations in the conduct of aircraft accident investigations.

#### **Article 8: Development of Maritime Transport Services**

1. Member States shall co-operate in the development of maritime transport services in the Community. In particular, Member States shall co-operate in:

a. enhancing flag and port State control activities in the Region;

b. developing and providing expertise in the shipping industry, including the necessary services and infrastructure necessary for the growth of the shipping sector;

c. protecting the marine environment from the effects of vessel source pollution and in combating the effects of such pollution; and

d. taking any other action necessary for the sustainable development of the shipping sector.

2. The Community shall co-operate with competent national, regional and international organisations in establishing conditions for the provision of efficient and affordable maritime transport services among Member States.

3. The COTED shall promote co-operation among Member States in the implementation of relevant international maritime instruments relating to maritime safety, marine environmental protection, maritime accident investigation and the facilitation of maritime traffic.

4. The COTED shall promote and co-ordinate the development of maritime transport services in the Community through, inter alia:

a. the development of proposals for the establishment and upgrade of small vessel enterprises in the Community;

b. the establishment of a regime of incentives to encourage the development of shipping enterprises in the Community;

c. the establishment, improvement and rationalisation of port facilities in the Community, to respond to the demands of containerisation, refrigeration and storage of agricultural commodities, nautical and cruise tourism and other special and dedicated services;

d. co-operation and regular interchange among administrations to promote a harmonised system for the development of maritime transport in the Community;

e. promotion of joint ventures among Community nationals and with extra-regional shipping enterprises to facilitate the transfer of applicable technology and increase the participation of Member States in international shipping;

f. the organisation and harmonisation of training programmes within the Community, the strengthening of the capabilities of training institutions and the ease of access of Community nationals to all aspects of training and development in the shipping industry; and

g. the development of ancillary services in the shipping industry, including non-vessel operating common carriers, marine insurance, freight forwarding, transshipment and other services.

5. Member States shall promote the development of maritime transport services in the Community through, inter alia:

- a. the establishment and improvement of port facilities;
- b. the establishment of effective maritime administrations for the regulation of shipping in the respective jurisdictions of maritime safety and marine environmental protection;
- c. the implementation of relevant international maritime instruments related to the safety of shipping and the prevention of vessel source pollution; and
- d. encouraging improved efficiency in ports and in related services to reduce maritime transportation costs.

#### **Article 9: Special Status of the Caribbean Sea**

Member States shall co-operate in achieving international recognition for the Caribbean Sea as a Special Area requiring protection from the potentially harmful effects of the transit of nuclear and other hazardous wastes, dumping, pollution by oil or by any other substance carried by sea or wastes generated through the conduct of ship operations.

#### **Article 10: Signature**

This Protocol shall be open for signature by the Member States on the day of 1999.

#### **Article 11: Ratification**

This Protocol shall be subject to ratification by signatory States in accordance with their respective constitutional procedures. Instruments of ratification shall be deposited with the Secretariat which shall transmit certified copies to the Government of each Member State.

#### **Article 12: Accession**

Any Member State other than a signatory State may accede to this Protocol. An Instrument of Accession shall take effect on the date on which the Instrument is deposited with the Secretariat of the Community.

#### **Article 13: Entry Into Force**

This Protocol shall enter into force one month after the date on which the last Instrument of Ratification is deposited with the Secretariat.

#### **Article 14: Provisional Application**

1. A Member State may, upon the signing of this Protocol or at any later date before it enters into force, declare its intention to apply it provisionally.
2. Upon such declaration by all Member States, the provisions of this Protocol shall be applied provisionally pending its entry into force in accordance with Article 13.

**IN WITNESS WHEREOF** the undersigned duly authorised in that behalf by their respective Governments have executed this Protocol.

DONE at \_\_\_\_\_ on the \_\_\_\_\_ day  
of \_\_\_\_\_ 1999.

Signed by Lester Bird  
for the Government of Antigua and Barbuda on the 13th day of July 1999  
at St. John's, Antigua and Barbuda

Signed by Owen Arthur  
for the Government of Barbados on the 4th day of July 1999  
at Port-of-Spain, Trinidad and Tobago

Signed by Said Musa  
for the Government of Belize on the 4th day of July 1999  
at Port-of-Spain, Trinidad and Tobago

Signed by Edison James  
for the Government of the Commonwealth of Dominica on the 4th day of July 1999  
at Port-of-Spain, Trinidad and Tobago

Signed by Keith Mitchell  
for the Government of Grenada on the 4th day of July 1999  
at Port-of-Spain, Trinidad and Tobago

Signed by Clement Rohee  
for the Government of the Co-operative Republic of Guyana on the 4th day of July 1999  
at Port-of-Spain, Trinidad and Tobago

Signed by Percival J. Patterson  
for the Government of Jamaica on the 4th day of July 1999  
at Port-of-Spain, Trinidad and Tobago

Signed by  
for the Government of Montserrat on the day of 1999  
at

Signed by Denzil L. Douglas  
for the Government of St. Kitts and Nevis on the 4th

Signed by Kenny D. Anthony  
for the Government of Saint Lucia on the 4th day of July 1999  
at Port-of-Spain, Trinidad and Tobago

Signed by James Mitchell  
for the Government of St. Vincent and the Grenadines on the 4th day of July 1999  
at Port-of-Spain, Trinidad and Tobago

Signed by Ronald R. Venetiaan  
for the Government of The Republic of Suriname on the 27th day of October 1999  
at Chaguaramas, Trinidad and Tobago

## DECLARATION

The representatives of the under-mentioned Governments hereby declare their intention to apply provisionally the provisions of Protocol VI:

Signed by Lester Bird  
for the Government of Antigua and Barbuda on the 13th day of July 1999  
at St. John's, Antigua and Barbuda

Signed by Owen Arthur  
for the Government of Barbados on the 4th day of July 1999  
at Port-of-Spain, Trinidad and Tobago

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at Port-of-Spain, Trinidad and Tobago

Signed by Ronald R. Venetiaan  
for the Government of The Republic of Suriname on the 27th day of October 1999  
at Chaguaramas, Trinidad and Tobago

Signed by Basdeo Panday  
for the Government of The Republic of Trinidad and Tobago on the 4th day of  
1999 at Port of Spain, Trinidad and Tobago

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for the Government of The Republic of Trinidad and Tobago on the 4th day of  
1999 at Port of Spain, Trinidad and Tobago